



Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC 40-72
Regulation title	Standards for Licensed Assisted Living Facilities
Action title	Amend ALF Regulation to Comply with Changes to Code of Virginia
Final agency action date	August 17, 2011
Document preparation date	August 17, 2011

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulatory action implements recent amendments to §§ 63.2-1803, 54.1-3103.1, and 54.1-2400.6 of the Code of Virginia by the 2011 Session of the General Assembly (Chapters 609 and 463, 2011 Acts of Assembly). A regulatory change allows an assisted living facility to be operated for 150 days by an acting administrator who has applied for licensure, with a possible 30 day extension when awaiting the results of the national exam. Facilities are limited to operating with an acting administrator one time during any two-year period unless authorized otherwise by the Department of Social Services. Another regulatory change provides that an assisted living facility administrator report to the Department of Health Professions certain information under specified circumstances about persons regulated by that department. This includes, but is not limited to, information regarding substance abuse and unethical or fraudulent conduct.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The State Board of Social Services approved the final exempt action to amend the regulation entitled Standards for Licensed Assisted Living Facilities, 22 VAC 40-72, on August 17, 2011.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The institution of the family and family stability will be enhanced by this regulatory action because of the required reporting of persons regulated by the Department of Health Professions for certain problematic behaviors. Staff persons who are so reported may no longer be able to care for residents in assisted living facilities, resulting in greater protection of residents. In addition, residents may be better protected due to the limitations placed on a facility regarding how often it can be operated without a licensed administrator. Increased protection of residents will mean that families will have greater confidence in the welfare of their relatives who reside in assisted living facilities.